



Town of Stow  
**PLANNING BOARD**

**380 Great Road**  
**Stow, Massachusetts 01775-1122**  
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March 3, 2021

John Giordano  
30 Heritage Lane  
Stow, MA 01775

Dear Mr. Giordano,

The Planning Board has reviewed the limits of work prepared by Foresite Engineering, as well as the cover letter dated February 18, 2021. The cover letter indicates that the separate legal ownership of the parcels and the different purposes for which the parcels were disturbed, each preclude the need for an Erosion Control Special Permit. The Planning Board finds this rationale to be inadequate and an Erosion Control Special Permit is still required to gain zoning compliance.

Section 3.8.1.10 of the Zoning Bylaw requires a Special Permit for erosion control where:

*Grading and construction on over thirty-two (32,000) square feet of a PARCEL, or SITE, including SITES in which multiple PARCELS are part of the same development proposal.*

Grading and construction has taken place on over 32,000 square feet of the site. The parcels that make up the site where the work took place are not separated in any physical or environmental manner. The change in vegetation type on the parcels is a significant variable affecting the rate of water runoff, whether on or off the site. Impact to one affects the other. While the Zoning Bylaw does not specifically define the term "Site," it is clear from the language of Section 3.8.1.10 that the parcel boundary is secondary in significance to the construction *site* as a whole.

Further, the Bylaw requires a Special Permit on a Site *or* "Sites in which multiple parcels are part of the same development proposal..." This means that both types of project require a filing, not only a site that shares a common development proposal.

Lastly, ownership in this context is irrelevant. The Zoning Bylaw does not speak to ownership as it relates to compliance with Section 3.8.1.10.

**Next Steps**

The Planning Board requests submission of an Erosion Control and sedimentation plan sufficient to show compliance with Section 3.8.1.9, including but not limited to a plan for site stabilization and long-term stormwater management. The Planning Board looks forward to resolving the Zoning Violation.

Sincerely,

Lori Clark – Chair  
On behalf of the Planning Board

Cc: Craig Martin – Building Commissioner  
Scott Hayes – Foresite Engineering